

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 04-0039

v.

**ELECTRONICALLY FILED**

MAURICE ASKEW,

Defendant.

**MEMORANDUM ORDER RE: DEFENDANT’S MOTION  
(DOC. NO. 129)**

Presently before the Court is Maurice Askew’s “Rule 52 and Rule 59 Motion to Alter, Amend, or Reconsider Judgment.” Doc. no. 129. The Government filed a Response in Opposition to a different Motion filed by Maurice Askew at doc. no. 128, and in footnote 1 of its Response, the Government indicated that the instant Motion filed by Maurice was improperly filed in this case. See doc. no. 131, fn 1. For the reasons set forth herein, the Court will deny Maurice Askew’s instant Rule 52 and Rule 59 Motion to Alter, Amend, or Reconsider Judgment.

**I. Background / Case Histories**

Maurice Askew was convicted of a series of bank robberies and use of firearms during crimes of violence. One conviction – at case number 03-cr-244-004 – was for a series of armed bank robberies which took place in 2002. This Court conducted a trial by jury, and Maurice Askew was convicted on all counts. This Court pronounced a sentence in that case, which included a term of imprisonment of 468 months. The other conviction – at this case number, 04-cr-0039 – was for an armed bank robbery which took place in 2003. This Court conducted a trial

by jury, and Maurice Askew was convicted on all counts. This Court pronounced a sentence in that case, which included a term of imprisonment of 392 months.

In the older case (case no. 03-cr-244-004), Maurice Askew appealed to the Court of Appeals for the Third Circuit and has subsequently filed numerous Section 2255 Motions with this Court. All appeals to the Court of Appeals have led to an affirmance of the decisions of this Court and all Section 2255 Motions have been denied by this Court in case no. 03-cr-244-004. Most recently in the older case, Maurice Askew requested that this Court reconsider its most recent denial of a Section 2255 Motion. See doc. no. 347 in case no. 03-cr-244-004.

The instant Motion filed by Maurice Askew in this case (case no. 04-cr-0039) is identical to the Motion filed at doc. no. 347 of case no. 03-cr-244-004. However, in this case there was no recent decision or judgment to “reconsider,” as there was in case no. 03-cr-244-004.

The original Judgment imposing the 392-month sentence was entered by this Court on March 17, 2005. As noted by this Court, in this case at doc. no. 132, on October 26, 2006, the original Judgment was affirmed by the Court of Appeals. Thereafter, Maurice Askew filed a Section 2255 Motion, which was granted in part and denied in part by this Court, and on April 26, 2010, the Court of Appeals denied Maurice Askew a Certificate of Appealability making the decision final. See doc. nos. 120-121 and 125.

On June 23, 2014, Maurice Askew filed the instant “Rule 52 and Rule 59 Motion to Alter, Amend, or Reconsider Judgment” Motion in this case. The Court notes that he filed the same Motion on the same date in his other case (case no. 03-cr-244-004). Here, however, there is no recent Judgment which Maurice Askew could be asking the Court to reconsider. This Court has only, today, July 23, 2014, entered an Order denying doc. no. 128, which was Maurice Askew’s “Motion to Have Heard New Substantive Rule Per the Court’s Discretion.” See doc.

no. 132.

## II. CONCLUSION

Given the procedural status of this case, the Court will deny Maurice Askew's current "Rule 52 and Rule 59 Motion to Alter, Amend, or Reconsider Judgment" (doc. no. 129 ).

### ORDER

AND NOW, this 23<sup>rd</sup> day of July 2014, Defendant's Rule 52 and Rule 59 Motion to Alter, Amend, or Reconsider Judgment (doc. no. 129) is **DENIED**.

s/Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties

PRO SE PLAINTIFF  
Maurice Askew, Petitioner  
Inmate Number 07973-068  
United States Penitentiary Canaan  
P.O. Box 300  
3057 Easton Turnpike  
Waymart, Pa. 18472

OFFICIAL LEGAL CORRESPONDENCE